

Examiner-Initiated Interview Summary	Application No. 09/896,526	Applicant(s) AKKARY ET AL.		
	Examiner DAVID J. HUISMAN	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Art Unit 2183</td> <td style="width: 50%;"></td> </tr> </table>	Art Unit 2183	
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All Participants:

(1) DAVID J. HUISMAN.

(2) Mark J. Rozman, Reg. No. 42,117.

Date of Interview: 15 December 2009

Type of Interview:

☒ Telephonic

☐ Video Conference

☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

Status of Application: _____

(3) _____

(4) _____

Time: _____

Part I.

Rejection(s) discussed:

potential rejections to at least the independent claims were discussed on 12-15-09. A second short interview was held on 2-17-10 to discuss potential 101 issues with claims 29 and 37.

Claims discussed:

independents on 12-15-09, and claims 29 and 37 on 2-17-10

Prior art documents discussed:

Chaudhry et al., U.S. Patent No. 6,353,881, cited herewith

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

see attached sheet

Part III.

☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

/David J. Huisman/
Primary Examiner, Art Unit 2183

(Applicant/Applicant's Representative Signature – if appropriate)

The examiner, after an updated search, telephoned applicant's representative (hereafter "applicant") and made applicant aware of the newly found Chaudhry reference. The examiner explained his intention to use Chaudhry in a rejection of at least the independent claims filed on 10/27/2009. Specifically, Chaudhry has taught a second processor for executing instructions in advance of the first processor and when the first processor reaches the point in the program at which the second processor begins, the results obtained by the second processor are merged with those of the first processor. See Fig.2B, column 2, lines 38-46, and column 4, line 44, to column 5, line 19. However, Chaudhry has not taught that the first processor is to fetch, issue, and avoid execution of the portion of instructions by commitment of results of the portion of instructions into the register file of the first processor from a buffer. Such a concept is taught in paragraph [0016] on page 4 of applicant's originally filed specification. Consequently, the examiner suggested claim amendments which would preclude rejection by Chaudhry. Proposed claim amendments to fix other minor issues with the claims were also discussed.

On 2-17-10, the examiner telephoned applicant and stated that, in light of the recent memo to broadly interpret computer readable media as non-statutory subject matter for 101 purposes, the examiner also felt it was reasonable to broadly interpret claims 29 and 37 as being directed to non-statutory subject matter (i.e., software per se). For instance, the claim language did not preclude the interpretation that the system could be a system of hardware description language files modeling hardware. Consequently, applicant was asked to insert the word "hardware" into claims 29 and 37 to avoid a 101 rejection.